

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID WELLINGTON,

Plaintiff,

v.

No. 1:22-cv-00069-KK

MTGLQ INVESTORS, LP, and
MARGARET LAKE,

Defendants.

ORDER LIFTING STAY OF PROCEEDINGS

Pro se Plaintiff is the co-owner of a property that was the subject of a foreclosure action.

See MTGLQ Investors, LP v. Monica Wellington, No. 1:17-cv-00487-KG-LF ("MTGLQ I").

United States District Judge Kenneth J. Gonzales appointed Margaret Lake as Special Master and ordered her to proceed with the sale of the property in accordance with the Judgment of Foreclosure and Sale. *See* Doc. 246, filed January 7, 2022, in *MTGLQ I*.

In this action, Plaintiff seeks relief from the judgment in *MTGLQ I* including a ruling that "Defendant Margaret Lake should be determined not to be any actual master, and enjoined from taking any action as any alleged master." Amended Complaint at 1, 8, Doc. 6, filed February 24, 2022.

Plaintiff also filed a Petition with the United States Court of Appeals for the Tenth Circuit which seeks a "writ prohibiting respondent Lake from taking any further actions on the foreclosure judgment." Petition for Writ of Prohibition at 17, Doc. 8-1, filed April 12, 2022 ("Petition").

The undersigned stayed proceedings in this action pending completion of proceedings in the United States Court of Appeals for the Tenth Circuit regarding Plaintiff's Petition. *See* Order

Staying Proceedings, Doc. 11, filed May 2, 2022. The Court now lifts the stay of proceedings because the United States Court of Appeals for the Tenth Circuit denied Plaintiff's Petition on May 5, 2022. *See In re: Wellington*, Court of Appeals Docket No. 22-2044 (10th Cir.).

Plaintiff also filed a Notice of Related Cases in this action which appears to ask the undersigned to "issue an order for [Special Master] Lake to cease and desist any further actions pending the outcome of these proceedings." Doc. 12, filed May 4, 2022. Plaintiff also filed the Notice in the original foreclosure action. *See* Doc. 252, filed May 4, 2022, in *MTGLQ I*. Judge Gonzales denied Plaintiff's request in *MTGLQ I* to stay proceedings, including the sale of the property, and directed Special Master Margaret Lake to proceed with the sale. *See* Doc. 253, filed May 4, 2022, in *MTGLQ I*. If Plaintiff is requesting that the undersigned issue an order for Special Master Lake "to cease and desist any further actions [including proceeding with the sale] pending the outcome of these proceedings," the undersigned denies Plaintiff's request. Plaintiff has not cited any legal authority which would allow the undersigned to issue an order granting relief contrary to Judge Gonzales' Order in *MTGLQ I*.

IT IS ORDERED that:

- (i) The stay of proceedings in this case is **LIFTED**.
- (ii) Plaintiff's request for an order for Special Master Lake "to cease and desist any further actions [including proceeding with the sale] pending the outcome of these proceedings," Doc. 12, filed May 4, 2022, is **DENIED**.



Kirtan Khalsa
KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE